REMARKS

The Office Action, mailed December 14, 2007, considered and rejected claims 1, 12, 14, 15, 17 and 19-21. Claims 1, 12, 14, 15, 17 and 19-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Sie* (U.S. Patent No. 7,024,679).[1]

By this paper claims 1 and 17 have been amended, while no claims have been added or cancelled.[2] Accordingly, following this paper, claims 1, 12, 14, 15, 17 and 19-21 remain pending, of which claims 1 and 17 are the only independent claims at issue.

As reflected in the above claim listing, and as discussed in the communication with the Examiner by telephone on January 15, 2007, embodiments of the present invention are generally directed to methods and apparatus for receiving and recording programming in the same format in which it is received so as not to degrade the recording quality of the recorded programming. As reflected in claim 1, for example, a method is provided for recording one or more selected channels without decoding programming content and in which display of the recorded channels is permitted at the same time another selected channel is being recorded. In the recited claim, a multiplexed signal having multiple channels of digital programming content is received at a set top box which includes a single tuner, each of the channels of digital content being received in a digital format determined by the content provider. In the set top box, a first channel of the multiple channels is isolated and selected. For example, the set top box can use the tuner and a demodulator to tune the multiplexed signal and produce a multiplexed transport stream that comprises audio, video and data packets associated with a first channel. In addition, a transport demultiplexer may be connected to the demodulator so as to receive ht transport stream and isolate the selected first channel. The digital content of the first channel may then be sent to a storage medium in the set top box and stored as it was received at the set top box, in the same format in which it was received, and in the same format as it was sent from the content provider. Moreover, while the digital content of the first channel is being stored, previously stored digital content of a second channel may be retrieved from the storage medium and decoded into an

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the above claim amendments can be found throughout Applicant's original disclosure, including at least the disclosure found on original pages 5 and 15.

analog format for display at a display device. Thereafter, the decoded analog format of the content of the second channel can be displayed on the display device.

While *Sie* relates to locally storing, on a set-top box, programs received from a content provider, it fails to disclose or suggest each and every limitation as recited in the above claims. For example, among other things, *Sie* fails to disclose a method or apparatus in which each of multiple channels of digital programming content received at the set top box is encoded in a format determined by the content provider, or wherein the set top box stores, in a storage medium, digital content of a first channel <u>as it was received at the set top box</u> and <u>in the same digital format with which the first channel was received at the set top box and as sent from the content provider,</u> as claimed in combination with the other claim elements. In fact, *Sie* appears to disclose the opposite in that the format of the information is expressly changed between its transfer from the content provider to the set top box, and in that the set top box changes the formatting of the content before it is stored in a local storage device.

In particular, *Sie* appears to disclose a system for delivering near video on demand (NVOD) programs with start times which are staggered by the broadcasting source. In the system, a program delivery system (e.g., 100, 200, 300, 400) is utilized in which a program is transmitted to, and ultimately received at, a set-top box 120. (Col. 4, ll. 6-16; Col. 5, ll. 9-29, 45-53; Figs. 1-4). Programs received over the program delivery system can then be presented to the user on a display channel of a television. (Col. 5, ll. 65-67).

In the various disclosed program delivery systems, the set-top box may present programs which are obtained from a program server 132 which can be external or local to the set top box. (Col. 7, ll. 35-36; Figs. 1-4, 6). In either event, the set-top box receives programming through the program delivery system and a transmission system 108 which may be separate from, or implemented within, a transmission satellite 408. (Col. 4, ll. 50-67; Col. 5, ll. 45-47; Figs. 1-4). The transmission system is used to convert a signal from a satellite into a format understood by the set-top boxes. (Col. 5, ll. 27-29).

The signal received by the set-top box can include multiple channels of programming. To obtain a desired program, the set-top box includes a program receiver 500 which in turn includes a tuner 508, a demodulator 512, a digital channel select circuit 516, and a decryption engine 520. (Col. 6, ll. 4-6). A user can select a desired channel from the signal provided by the transmission system 108, and a signal corresponding to that channel is sent to the tuner. (Col. 6,

ll. 12-17). The received signal is input into the tuner which downconverts a selected carrier to an intermediate frequency (IF) carrier, and the IF carrier is then converted into a digital baseband signal by the digital demodulator to thereby output an encrypted MPEG signal. (Col. 6, ll. 17-21; Fig. 5). The decryption engine then decrypts the signal and the digital channel select circuit 516 removes the desired channel and it is compressed into an MPEG-2 format. (Col. 6, ll. 21-31).

Without being stored to a local storage device, *Sie* then discloses that the program is sent to a display interface 524 where it is decompressed using an MPEG-2 decoder to a format which is suitable for display on a television. (Col. 6, ll. 32-42; Fig. 5). In a set-top box that includes a local program server 132 (e.g., Fig. 6), the compressed signal output by the digital channel select circuit 516 of program receiver 500 can be stored in the program server from which it can later be viewed, at which time it is send to the display interface for decoding. (Col. 7, ll. 35-48).

Accordingly, *Sie* discloses a program delivery system in which: (a) between a content provider and the set-top box, a transmission system converts the programming from the supplied format to a format that can be understood by the set top box; and (b) the set-top box can receive a signal from a transmission system, after which it compresses the signal before it displays or stores the information. Applicant notes that this appears to be in direct contrast to Applicant's invention as recited in the above claims, in which the digital content has the same format as: (a) it had when received by the set-top box; and (b) it had when sent by the content provider, *Sie* discloses that opposite and the digital content is changed between transmission by the content provider and receipt by the set-top box, and it is further compressed by the set-top box before the content is stored.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney by telephone at (801)533-9800.

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Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
COLBY C. NUTTALL
Registration No. 58,146
Customer No. 047973

RDN:JCJ:CCN:gd
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